

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF MENTAL HEALTH
25 STANIFORD STREET
BOSTON, MA 02114

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Department of Mental Health is issuing emergency regulations and proposed regulations under the authority of M.G.L. c. 19, s. 18 and M.G.L. c. 123, s. 2 and pursuant to M.G.L. c. 30A and will hold a public hearing for the purpose of receiving written and oral testimony on its emergency and proposed actions. The Department describes the substance of the actions as follows:

The Department is issuing emergency regulations on the following matters:

1. The Department has amended references in 104 CMR 27.00, Licensing and Operational Standards for Mental Health Facilities, and 104 CMR 33.00, Designation and Appointment of Qualified Mental Health Professionals, to comply with Chapter 410 of the Acts and Resolves of 2004, which, among other provisions, amended G.L. c. 123, s 12 to reduce the period of time an individual can be involuntarily admitted to a psychiatric facility from four days to three days unless the facility petitions for further commitment.
2. The Department has removed Medfield State Hospital, which has closed, from the list of state hospitals designated by the Commissioner as facilities under the control of the Department in 104 CMR 26.03(1)(a).
3. The Department has amended 104 CMR 27.17(6)(c) to correct a formatting error and add language to ensure that the regulatory provision governing patients' access to their records at mental health facilities operated and licensed by the Department and the exceptions to such access are clear.

The Department proposes to issue the following regulations:

1. The Department proposes to replace current 104 CMR 27.12, Restraint and Seclusion, with a new regulation entitled Prevention of Restraint and Seclusion and Requirements When Used, and amend certain other provisions of 104 CMR 27.00 in conjunction with this change.
2. The Department proposes to replace current 104 CMR 27.10(7), Behavior Management, with a new regulation entitled Behavioral Support and Restrictions on Negative Consequences, which will apply to adults as well as minors.

TIME AND PLACE OF PUBLIC HEARING:

April 11, 2005, from 1:00 to 4:00 PM
Chapel Hall
Bryan Building, 6th floor
Worcester State Hospital
305 Belmont Street
Worcester, MA 01604

METHOD OF COMMENT: Individuals desiring to offer oral testimony on the emergency and proposed regulations should arrive at the hearing site before 1:00 PM to register their intent to testify. Speakers are asked to provide a written copy or summary of their testimony at the hearing. Written testimony may be submitted at the hearing or delivered to Marianne H. Greeno, General Counsel, Department of Mental Health, 25 Staniford Street, Boston, MA 02114 by April 18, 2005, or submitted by such date to the following e-mail address: DMHRegs@dmh.state.ma.us.

ACCOMMODATION: If you require an accommodation in order to participate in the public comment process, please contact Joan Whyte, Department of Mental Health Legal Office, 25 Staniford Street, Boston, MA 02114, tel. (617) 626-8236, by April 1, 2005.

INFORMATION: Copies of the proposed regulations may be obtained from Joan Whyte, Department of Mental Health Legal Office, 25 Staniford Street, Boston, MA 02114, tel. (617) 626-8236, and may also be found on the Department's Internet site at www.mass.gov/dmh.

February 25, 2005

Date

Elizabeth Childs, M.D.
Commissioner